

**1220 - 1230 Dundas Street East – Zoning Amendment
Final Report**

Date:	April 4, 2014
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 30 – Toronto-Danforth
Reference Number:	13 191691 STE 30 OZ

SUMMARY

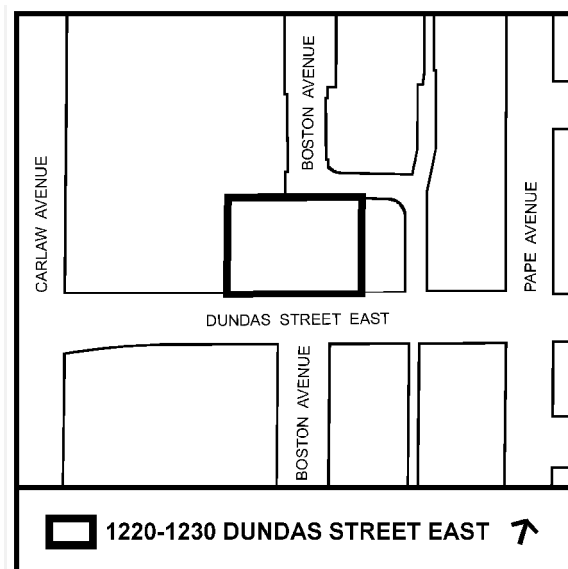
This application proposes the construction of an eight-storey (24.6 metre) mixed-use building containing 1,065 square metres of non-residential uses at grade, 83 dwelling units above, and 13 multi-floor townhouse-type units with grade related access at the rear and eastern portion of the site (total 96 dwelling units). Two levels of below grade parking containing 96 parking spaces are proposed. The existing one-storey warehouse building would be demolished.

This report reviews and recommends approval of the application to amend the Zoning By-law.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86 for the lands at 1220-1230 Dundas Street East substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 8 to the report (April 4, 2014) from the Director, Community Planning, Toronto and East York District.



2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
3. City Council direct the Chief Planner and Executive Director, City Planning to secure, among others, the following matters to her satisfaction in a Site Plan Agreement pursuant to Section 41 of the Planning Act and Section 114 of the City of Toronto Act:
 - a. the planting of seven (7) trees along the north property line, adjacent to Boston Avenue/private lane;
 - b. landscaping within the City road allowance along Dundas Street East, provided Urban Forestry, Tree Protection and Plan Review staff (in consultation with Toronto Hydro staff) are satisfied that any utilities within the road allowance will not be affected by the landscaping; and
 - c. access to the parking garage for this development will be shared with the adjacent development at 345-349 Carlaw Avenue and have a shared entrance via Carlaw Avenue.
4. City Council request the General Manager of Transportation Services to include the public realm improvements to the boulevard on the west side of Boston Avenue, south of Dundas Street East in the Neighbourhood Improvement work program for 2015.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

A Preliminary Report was adopted by Toronto and East York Community Council on October 17, 2013, and is available at:

<http://www.toronto.ca/legdocs/mmis/2013/te/bgrd/backgroundfile-62090.pdf>

ISSUE BACKGROUND

Proposal

The proposal has been revised since the Preliminary Report was written. The significant revisions include: the replacement of the proposed live / work units with non-residential uses along the Dundas Street East frontage; a reduction in the number of dwelling units from 111 to 96; and a reduction in the massing of the development on the eastern portion of the site.

The revised proposal is for an eight-storey mixed use building with 1,056 square metres of non-residential uses at grade, 83 dwelling units above, and 13 multi-floor townhouse-type units with grade related access at the rear and eastern portion of the site. A total of 96 dwelling units (8,497 square metres of residential gross floor area) are proposed with 122 square metres of indoor amenity space. The total density is 4.39 times the area of the

lot. The total height of the building is 24.6 metres (29.0 metres including mechanical penthouse).

The unit breakdown is as follows: 36 one-bedroom; 47 two-bedroom; four two-bedroom townhouses; three three-bedroom townhouses; and six four-bedroom townhouses. Three of the townhouses will have frontage on Dundas Street East, three will have frontage on Boston Avenue to the rear, and seven will be integral to the eight-storey building with frontage on the private lane to the rear.

A total of 96 parking spaces are proposed on two levels of underground parking. A minimum of 46 parking spaces will be provided for residents, and 50 spaces allocated for residential visitors and non-residential uses. The proposal also contemplates a maximum of 37 off-site parking spaces to be located at 345 – 349 Carlaw Avenue. The development at 345 – 349 Carlaw Avenue has a surplus of parking spaces that exceeds the Zoning By-law requirements.

The parking area for this development would be connected to the adjacent parking garage to the west at 345 – 349 Carlaw Avenue (under construction) and will gain ingress and egress via a shared parking garage entrance on Carlaw Avenue. The parking garage for 345 – 349 Carlaw Avenue would include vehicular easements / rights-of-way in favour of the development at 1220 – 1230 Dundas Street East.

Refer to Attachments 2 – 4 for drawings of the proposed development and Attachment No. 7 for the Application Data Sheet.

Site and Surrounding Area

The subject site is located on the north side of Dundas Street East, east of Carlaw Avenue. The northeast portion of the site abuts Boston Avenue, while the northwest portion abuts a private laneway. The site is approximately 2,180 square metres in size, with a frontage of approximately 54.9 metres along Dundas Street East and 20.5 metres along Boston Avenue / the private laneway.

The site is currently occupied by a one-storey U-shaped industrial building and an open surface parking area. The existing 1,787 square metre building would be demolished as part of this proposal.

Uses surrounding the site include:

North: North of the site is a low-rise residential neighbourhood fronting onto Boston and Badgerow Avenues.

South: Across Dundas Street East are two recently constructed buildings. 1201 Dundas Street East is an 11-storey mixed-use building and 319 Carlaw Avenue is a 10-storey mixed-use building. On the east side of Boston Avenue and further east is a low-rise residential neighbourhood.

East: The three townhouses immediately east of the site are part of a townhouse development completed in 2003 with frontage on Boston Avenue and Filmic Lane. Further east is a low-rise residential neighbourhood.

West: Immediately west of the site is 345 - 349 Carlaw Avenue, which is a recently approved 12-storey mixed-use building (under construction), and a 3 ½ storey stacked townhouse building. The existing three-storey commercial office building at 349 Carlaw Avenue will be retained.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

The PPS, 2014 includes employment and employment area policies that require employment and non-employment uses to coexist in a planned, coordinated and safe manner.

City Council's planning decisions are required by the *Planning Act* to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe. Planning staff have reviewed the proposed development for consistency PPS, 2014 and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The subject site is designated *Employment Areas* in the Official Plan. The site is not located within an Employment District on the Urban Structure Map (Map 2) of the Official Plan. *Employment Areas* are clusters of employment uses including offices, manufacturing, warehouses, research and development, hotels, media facilities, and restaurants and small scale stores that serve area businesses and employees.

The site is subject to the Site and Area Specific Policy No. 154 (Attachment 6), which allows for a mix of employment and residential uses within the same building, provided that "the building will provide for a satisfactory living environment compatible with the employment uses in the building and adjacent area".

The lands west of the site are designated *Employment Areas*, while the lands east and north of the site are designated *Neighbourhoods*. Lands on the east side of Boston Avenue and eastward are also designated *Neighbourhoods*.

Zoning

The site is zoned I1 D3 under former City of Toronto Zoning By-law 438-86. This zone permits a variety of light industrial and employment uses to a maximum density of 3.0 times the area of the lot, and a maximum height of 18.0 metres. Residential uses are not permitted in the I1 D3 zone.

Site Plan Control

The proposed development is subject to Site Plan Control. An application for Site Plan Control has been submitted and is being processed concurrently with the subject application.

Dundas + Carlaw Community Initiative Study

At its meeting on February 26, 2013, Toronto & East York Community Council requested that the City Planning and Transportation Services Divisions jointly initiate a review of the Carlaw/Dundas Neighbourhood Improvement Plan (2000) and complete a study of the potential development guidelines and public realm improvements for the Dundas and Carlaw Corridor. Since the completion of the Neighbourhood Improvement Plan, nine development applications have been approved on properties within the Dundas – Carlaw Corridor. These development approvals have resulted in the construction of approximately 750 residential dwelling units, 700 live/work units and 7,950 square metres of non-residential gross floor area.

The Dundas + Carlaw Community Initiative Study is exploring opportunities for pedestrian, transit, public realm improvements and community benefits, and the relationship between this community and the surrounding residential community. A workshop was held on October 24, 2013, and a community consultation meeting is scheduled for May 12, 2014.

The study area boundaries for the Dundas + Carlaw Community Initiative are consistent with the boundaries of Site and Area Specific Policy No. 154 (Attachment 5).

Reasons for Application

The subject proposal seeks to construct residential uses, which are not permitted in the I1 D3 zone. The proposal is for an 8-storey (24.6 metre) building with a density of 4.39 times the area of the lot. The proposal exceeds the currently permitted non-residential density of 3.0 times the lot area, and the permitted height of 18.0 metres. An amendment to the Zoning By-law is therefore required.

Community Consultation

A Community Consultation Meeting was held on November 12, 2013. Planning staff, the applicant, the local Councillor and approximately 20 members of the community attended. Concerns were raised by the community with respect to traffic, parking, existing TTC capacity, building height and massing, shadow impact and transition to the adjacent neighbourhood to the north and east, and tree planting along Dundas Street East.

These issues are discussed in the Comments section of this report.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate By-law standards.

COMMENTS

Provincial Policy Statement and Provincial Plans

Staff have reviewed the development proposal and determined that it is consistent with the PPS, 2014. The proposal conforms to and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Land Use

The site is subject to the *Employment Areas* policies in the Official Plan and is also subject to Site and Area Specific Policy No. 154. The policy allows for a mix of employment and residential uses, provided the employment uses are compatible with the on-site and adjacent residential uses.

Site and Area Specific Policy No. 154 applies to several sites and areas generally located in the former City of Toronto. These sites contain employment uses in close proximity to residential uses and are generally located near a rail corridor, as is the case with the Dundas – Carlaw area. The intent of the policy is to support both uses through compatible built form and design.

On November 13, 2008, Planning and Growth Management Committee directed staff to review the *Employment Areas* policies, including Site and Area Specific Policy No. 154, as part of the current Official Plan/Municipal Comprehensive Review process.

At its meeting on September 12, 2013, Planning and Growth Management Committee adopted a staff report that recommends a new site-specific policy for the Dundas – Carlaw area (Site and Area Specific Policy No. 247), which would continue to require a mix of employment and residential uses in the area. Residential and live/work uses would be permitted when located in mixed-use buildings that also include uses permitted in *Employment Areas*, provided:

- the uses are compatible;
- the scale of the development respects and reinforces the area context;
- the residential uses are separated from the rail corridor; and
- the existing non-residential floor area be replaced in the new development.

The report adopted by Planning and Growth Management Committee can be found here: <http://www.toronto.ca/legdocs/mmis/2013/pg/bgrd/backgroundfile-61159.pdf>

This development meets the intent of Site and Area Specific Policy No. 154 by maintaining employment uses on site that will be compatible with the proposed and adjacent residential uses. The proposal also provides a transition down toward the adjacent residential lands. The development is not required to meet Site and Area Specific Policy No. 247 because the application was deemed complete prior to the new policy being drafted. Policy 247 requires that the existing non-residential gross floor area be replaced on site, whereas the proposed development would replace approximately 1,065 square metres of the 1,787 square metres of gross floor area from the existing warehouse.

A final report with recommendations regarding the Official Plan/Municipal Comprehensive Review (Official Plan Amendment 231) was adopted by City Council at its meeting on December 16, 2013. The recommendations are under review by the Ministry of Municipal Affairs and Housing. Official Plan Amendment 231 contains new economic policies and new policies and designations for *Employment Areas*.

Permitted Uses

Zoning By-law 438-86 of the former City of Toronto permits a range of non-residential uses in the I1 D3 zone. The draft zoning by-law amendment for the subject proposal (Attachment 8) provides a list of non-residential uses that are less permissive than the current I1 D3 zoning.

Density, Height, Massing

Section 3.1.2 of the Official Plan contains built form policies that provide a framework for new development, which is required to fit within the existing or planned context. New development is also required to provide an appropriate transition in height and massing to areas of different intensity and scale, particularly physically stable lower scale *Neighbourhoods*. The proposed gross floor area does not meet the minimum 10,000 square metre threshold for community benefits under Official Plan Policy 5.1.1.4 in relation to Section 37 of the Planning Act.

The density of the proposal is 4.39 times the area of the lot, which exceeds the permitted 3.0 times the area of the lot. However, the eight-storey portion of the development abuts the Dundas Street East frontage and would be adjacent to the approved 12-storey (37 metre) mixed-use building at 345 - 349 Carlaw Avenue. The proposal also includes townhouse-type units at the rear and the eastern portions of the site. The four-storey townhouses provide a transition to the existing townhouses across Boston Avenue / the

private laneway to the north and to the townhouses immediately east of the site. The proposed density, height and massing are considered acceptable to Planning staff.

Sun and Shadow Studies

The applicant submitted a sun/shadow study for the months of March and September in support of the proposal. The shadow study shows that there will be some incremental shadow impact on the residential properties to the north and east. However, the shadow from the proposed building would have minimal impact on the public realm to the north. The shadow is similar to that of a permitted 18-metre industrial building and does not exceed the shadow impact from the approved development at 345 - 349 Carlaw Avenue. Planning staff are of the opinion that the shadow impact is acceptable.

Traffic Impact, Access and Parking

The community has expressed concerns with regard to traffic, access to the site and parking. The proposed development would have joint vehicular access with the adjacent development (under construction) at 345 - 349 Carlaw Avenue. The underground parking garages would be connected, and a shared entrance would be provided on Carlaw Avenue. The shared entrance eliminates the requirement for a curb cut on Dundas Street or at the rear of the site, which reduces the potential impact on the adjacent residential neighbourhood.

The applicant is proposing 96 parking spaces, of which 46 would be allocated for residents on the P2 level of the underground garage. Although the Zoning By-law requires 83 parking spaces for residents in this development, the remaining 37 parking spaces are proposed to be provided off-site at 345 – 349 Carlaw Avenue, which has a surplus of parking spaces that exceeds the Zoning By-law requirements. The off-site parking spaces that would be allocated to the development at 1220 – 1230 Dundas Street East would be secured through the Site Plan review process and wording would have to be included in the condominium declaration for 345 – 349 Carlaw Avenue, permitting owners of units at 1220 – 1230 Dundas Street East to purchase parking spaces in the adjacent parking garage.

50 of the proposed on-site parking spaces would be allocated for residential visitors and non-residential uses on the P1 level of the underground garage, which exceeds the 25 spaces required by the Zoning By-law. The applicant is proposing that these surplus parking spaces could be used as commercial parking garage spaces to serve off-site uses including the theatre for live entertainment and office uses at 345 – 349 Carlaw Avenue.

Transportation Services staff have reviewed the Traffic, Loading and Parking Study submitted by the applicant and determined that the report is generally acceptable. The final allocation of parking spaces may alter through the Site Plan approval process. In particular, the applicant will be required to demonstrate that the proposed 37 parking spaces can be accommodated off-site at 345 – 349 Carlaw Avenue. Otherwise, any deficient residential parking spaces should be accommodated on-site using the surplus parking spaces initially allocated for non-residential uses. Notwithstanding the above,

the minimum number of spaces identified in the draft Zoning By-law (Attachment No. 8) will be maintained, if not exceeded.

Bicycle Parking

The proposed development includes 72 bicycle parking spaces, of which 58 would be allocated to residents and 14 to visitors. The proposed bicycle parking spaces meet the Tier 1 requirements of the Toronto Green Standard. The location of the visitor bicycle parking spaces will be secured through the Site Plan approval process to ensure that they are accessible and visible.

Servicing

The applicant submitted a Functional Servicing Report in support of the proposed development. Staff have reviewed the report and are generally satisfied that the proposed development can be serviced by the sanitary servicing on Boston Avenue.

The proposed development would share a Type G loading space with the adjacent development at 345 - 349 Carlaw Avenue, accessible via the shared entrance to the parking garage on Carlaw Avenue. The shared loading space would be located in the parking garage at 345 – 349 Carlaw Avenue and is considered acceptable by staff.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open space is maintained, enhanced and expanded. Map 8B of the Official Plan shows local parkland provisions across the City. The lands that are the subject of this application are in an area with 0.42 – 0.78 hectares of parkland per 1,000 people, which is the second lowest quintile of current provision for parkland. The site is in a parkland priority area, as per the City Wide Parkland Dedication By-law No. 1020-2010.

The application proposes 96 residential units and 1,059 square metres of non-residential gross floor area on a site with a net area of 2,180 square metres. At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication requirement is 0.13 hectares or 58.72 % of the net site area. However, for sites that are less than 1 hectare in size, a cap of 10 % is applied for the residential use and 2% to the non-residential use. In total, the parkland dedication requirement is 198.67 square metres.

The applicant would be required to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as there is no location for an on-site parkland dedication that would be of a useable size and the site would be fully encumbered with below grade parking. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

Streetscape

The applicant is proposing to plant seven trees along the Boston Avenue / private laneway frontage on the northern portion of the site. The proposed sidewalk width on Dundas Street East is 2.96 metres and the building would be setback 0.80 metres from the front lot line. This is consistent with the approved development to the west at 345 – 349 Carlaw Avenue.

There are currently no trees being proposed for the Dundas Street East road allowance due to the presence of underground utilities. However, further discussions between the applicant and Urban Forestry staff during the Site Plan approval process may result in a solution for some streetscape improvements adjacent to the Dundas Street East frontage.

The Dundas + Carlaw Community Initiative Study recognizes that residential intensification has occurred in the area and there is a resulting need for public amenities to support the growing population. The Study is identifying a program of public realm improvements to provide these amenities. Planning staff will provide a final report to Toronto and East York Community Council regarding the Study's conclusions and recommendations in Q3 (anticipated for August 2014).

To date, Planning staff have identified three public realm improvements as priorities, namely: the development of a public open space / plaza at the northwest corner of Carlaw Avenue and Dundas Street East (65 Dickens Street); streetscape improvements to the west side of Boston Avenue, south of Dundas Street East; and the construction of a pedestrian crosswalk on Carlaw Avenue. All three of the public realm improvements are close to 1220 – 1230 Dundas Street East.

In consultation with Parks, Forestry and Recreation staff and the local Councillor, Planning staff have determined that funding for the development of the future public open space / plaza at 65 Dickens Street will be requested in the 2015 Parks, Forestry and Recreation capital budget.

With regard to the boulevard improvements on the west side of Boston Avenue (south of Dundas Street East), Transportation Services, Public Realm staff have indicated that those improvements could be funded through the 2015 Transportation Services capital budget. Funding for the improvements can draw upon the \$10,000 in the Planning Act Reserve fund collected pursuant to the Section 37 agreement for 319 Carlaw Avenue for this specific purpose.

The applicant has expressed an interest in assisting with the construction and implementation of the public realm improvements that have been identified thus far in Dundas + Carlaw Community Initiative Study in order to improve public amenity in the immediate vicinity of the site.

Toronto Green Standard

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS.

Applicable TGS performance measures will be secured through the Site Plan Approval process.

CONTACT

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SIGNATURE

Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: North Elevation

Attachment 3: South Elevation

Attachment 4: East Elevation

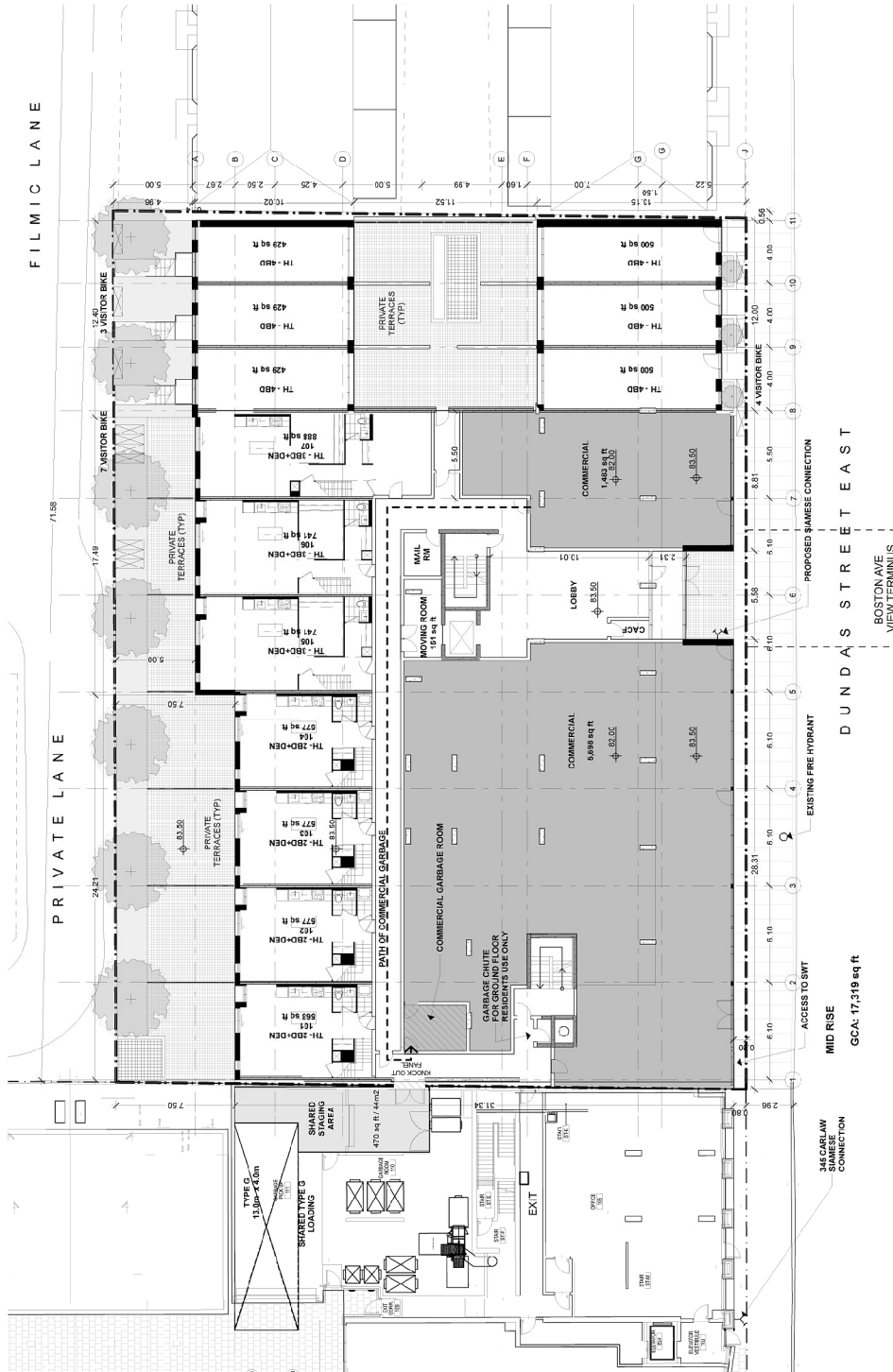
Attachment 5: Site and Area Specific Policy No. 154

Attachment 6: Zoning

Attachment 7: Application Data Sheet

Attachment 8: Draft Zoning By-law Amendment

Attachment 1: Site Plan



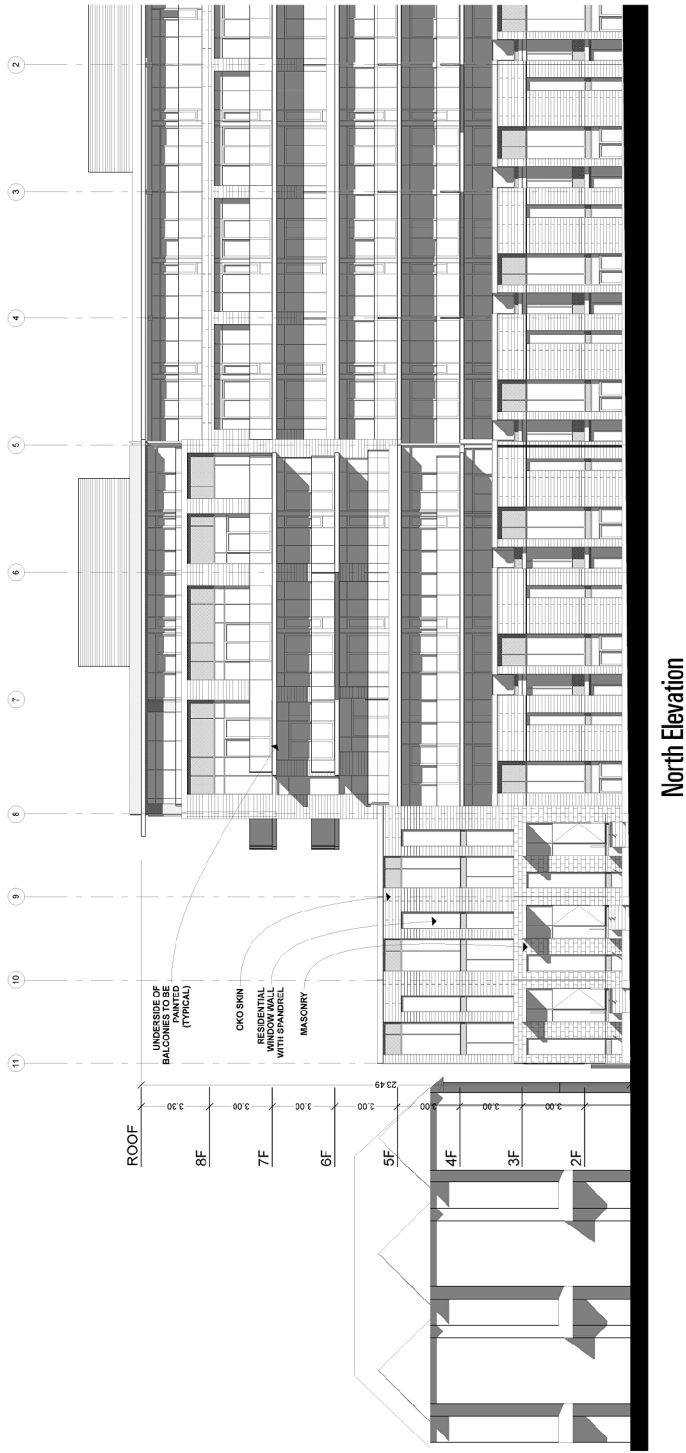
1220-1230 Dundas Street East

Site Plan
 Applicant's Submitted Drawing

File # 13 191691 02

Not to Scale
 04/04/2014

Attachment 2: North Elevation



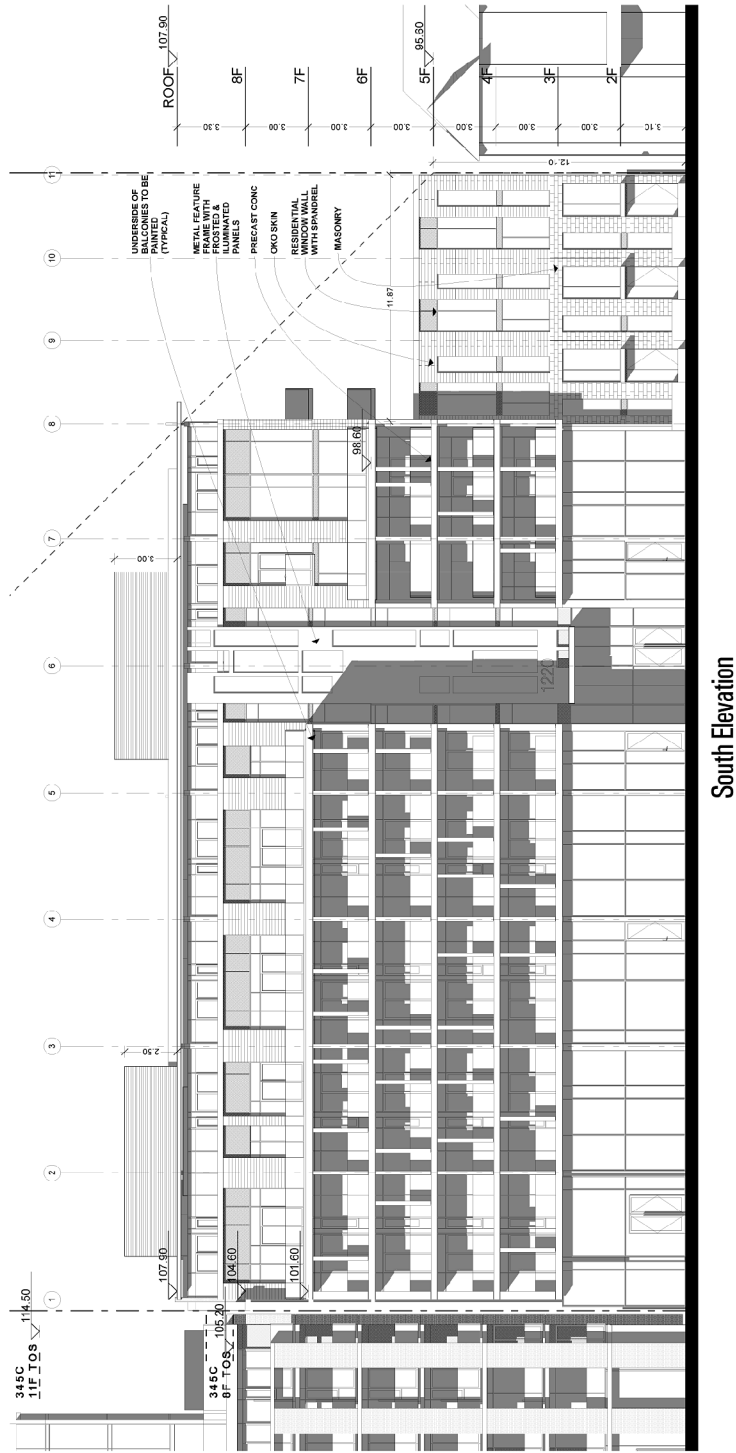
North Elevation

1220-1230 Dundas Street East

Elevations
 Applicant's Submitted Drawing
 Not to Scale
 04/04/2014

File # 13 191691 0Z

Attachment 3: South Elevation



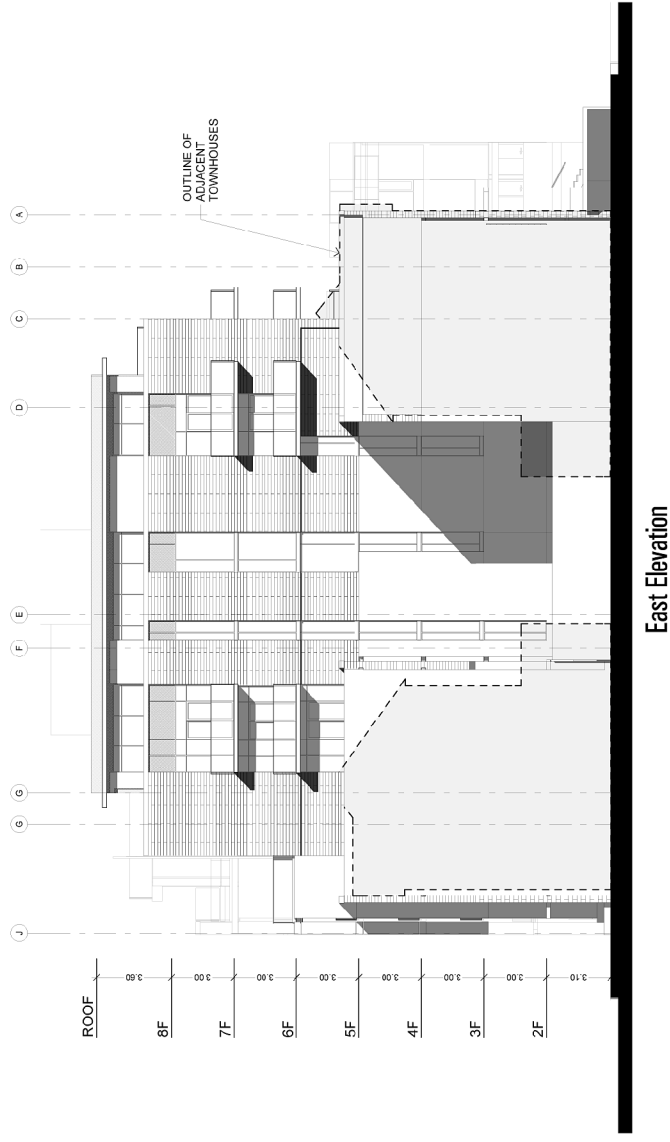
1220-1230 Dundas Street East

Elevations
Applicant's Submitted Drawing

Not to Scale
04/04/2014

File # 13 191691 02

Attachment 4: East Elevation



1220-1230 Dundas Street East

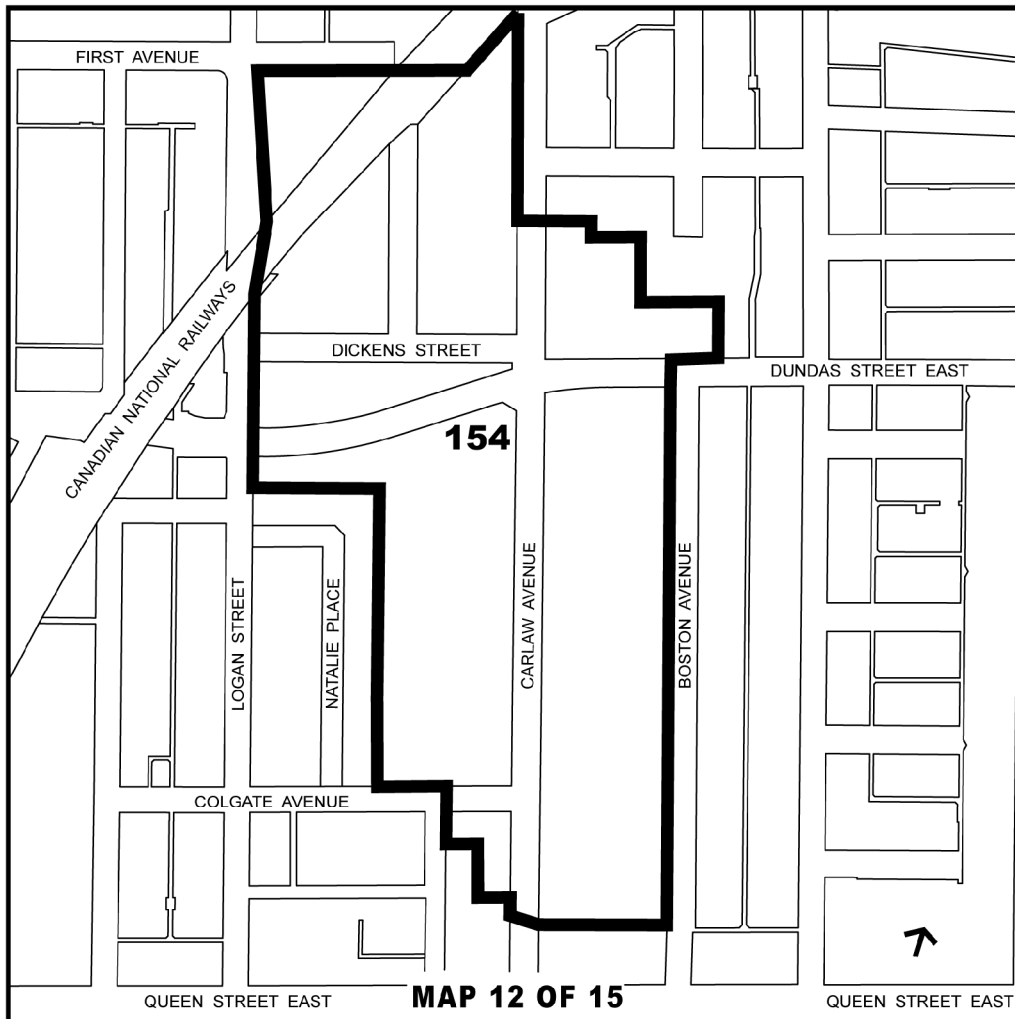
Elevations

Applicant's Submitted Drawing

Not to Scale
04/04/2014

File # 13 191691 02

Attachment 5: Site and Area Specific Policy No. 154



Toronto City Planning
Site and Area Specific Policy No.154
- Dundas and Carlaw Area

1220-1230 Dundas Street East

File # 13 191691 02

↑
Not to Scale
09/21/2012

Attachment 6: Zoning



TORONTO City Planning
Zoning

1220-1230 Dundas Street East

File # 13 191691 0Z

- R3 Residential District
- G Parks District
- I1 Industrial District
- I2 Industrial District



Not to Scale
Zoning By-law 438-86 (as amended)
Extracted 09/13/2013

Attachment 7: Application Data Sheet

Application Type	Rezoning	Application Number:	13 191691 STE 30 OZ
Details	Rezoning, Standard	Application Date:	June 20, 2013
Municipal Address:	1230 DUNDAS ST E		
Location Description:	PLAN 96 LOT 1 A PT **GRID S3008		
Project Description:	Rezoning application to permit the construction of an 8-storey (24.6 metre) mixed-use building with employment uses at grade, 83 dwelling units above, and 13 multi-floor townhouse-type units with grade related access at the rear and eastern portion of the site. 2 levels of below grade parking containing 133 parking spaces are proposed. The existing one-storey warehouse building would be demolished.		

Applicant:	Agent:	Architect:	Owner:
Aaron Knight	Streetcar Developments	TACT Architecture	1220 Dundas Street Inc

PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	
Zoning:	I1 D3	Historical Status:	
Height Limit (m):	18	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	2180	Height: Storeys:	8
Frontage (m):	54.9	Metres:	29
Depth (m):	39.6		
Total Ground Floor Area (sq. m):	1623		Total
Total Residential GFA (sq. m):	8497	Parking Spaces:	133
Total Non-Residential GFA (sq. m):	1065	Loading Docks	0
Total GFA (sq. m):	9562		
Lot Coverage Ratio (%):	74		
Floor Space Index:	4.39		

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	8497	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	36	Office GFA (sq. m):	1065	0
2 Bedroom:	51	Industrial GFA (sq. m):	0	0
3 + Bedroom:	9	Institutional/Other GFA (sq. m):	0	0
Total Units:	96			

CONTACT: PLANNER NAME: Emily Caldwell, Planner
TELEPHONE: 416-392-7574

Attachment 8: Draft Zoning By-law Amendment

Authority: Toronto and East York Community Council Item ~ as adopted by City of
Toronto Council on ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. xxx - 20~

**To amend Zoning By-law No. 438-86, as amended,
with respect to the lands municipally known in 2014 as,
1220 - 1230 Dundas Street East**

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. None of the provisions of Sections 2(1) with respect to the definitions of “*grade*” and Sections 4(2)(a), 4(4)(b), (c) and (d), 4(6)(b) and (c), 4(7)(b), 4(12), 9(1)(a) and (f) and 9(3) Part III of Zoning By-law No. 438-86, as amended, being “A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, shall apply to prevent the erection and use of a *mixed-use building* containing *dwelling units* and *non-residential* uses on the *lot* provided that:
 - (1) the *lot* is comprised of those lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
 - (2) the combined *residential gross floor area* and *non-residential gross floor area* on the *lot* does not exceed 9,900 square metres;
 - (3) the total *residential gross floor area* on the *lot* does not exceed 8,500 square metres;
 - (4) the total *non-residential gross floor area* on the *lot* is not less than 1,000 square metres;
 - (5) A maximum of 96 *dwelling units* is located on the *lot*;
 - (6) the following non-residential uses are permitted on the *lot*:

- (i) *artist's or photographer's studio;*
- (ii) *bake shop;*
- (iii) *branch of a bank or financial institution;*
- (iv) *caterer's shop;*
- (v) *clinic;*
- (vi) *commercial parking garage;*
- (vii) *commercial school;*
- (viii) *communications and broadcasting establishment;*
- (ix) *community or social agency;*
- (x) *courier service;*
- (xi) *cultural and arts facilities;*
- (xii) *custom workshop;*
- (xiii) *data processing establishment;*
- (xiv) *designer's studio;*
- (xv) *dry-cleaning shop and dry-cleaning distribution station;*
- (xvi) *duplicating shop;*
- (xvii) *newsstand;*
- (xviii) *office;*
- (xix) *performing arts studio;*
- (xx) *place of assembly*
- (xxi) *personal grooming establishment;*
- (xxii) *premises of a charitable institution or non-profit institution;*
- (xxiii) *private art gallery;*
- (xxiv) *public art gallery;*
- (xxv) *publisher;*

- (xxvi) *restaurant and take-out restaurant;*
 - (xxvii) *retail store;*
 - (xxviii) *service, rental or repair shop;*
 - (xxix) *showroom;*
 - (xxx) *software design and development establishment;*
 - (xxxi) *tailoring shop; and*
 - (xxxii) *trade school;*
- (7) no portion of any *building* above finished ground level shall be located other than wholly within the areas delineated by heavy lines on Map 2, attached to and forming part of this By-law, with the exception of the following, which may extend from the heavy lines if they remain within the *lot* boundaries:
- (i) cornices, light fixtures, awnings, canopies, window washing equipment, ornamental elements, parapets, landscape features, trellises, eaves, window sills, vents, guardrails, balustrades, railings, stairs, stair enclosures, doors, wheel chair ramps and underground garage ramps and associated structures, and
 - (ii) balconies to a maximum of 1.8 metres;
- (8) the maximum height above *grade* of any building or structure used or erected on the *lot* shall not exceed the *heights* above *grade* identified with the letter "H" in the areas delineated by heavy lines as shown on Map 2, except for:
- (i) a structure used for outside or open air recreation, safety or wind protection purposes, elements of a green roof, a chimney stack, vent or flue, window washing equipment, ornamental elements, canopies, landscaping elements, privacy walls, trellises, parapets, stairs, stair enclosures, guardrails, railings, and heating, cooling, electrical and ventilating equipment, to a maximum of 2.1 metres above the applicable *height* limits;
- (9) a minimum of 83 parking spaces are provided and maintained on the *lot* for the exclusive use of residents of the *dwelling units*. Notwithstanding the foregoing, up to 37 of the required 83 *parking spaces* may be provided and maintained on the adjacent lands at 345, 347 and 349 Carlaw Avenue;
- (10) a minimum of 25 *parking spaces* shall be provided and maintained in a *parking garage* or *commercial parking garage* to serve the non-residential

uses on the *lot* and visitors to the *dwelling units* on the *lot* on a non-exclusive basis, and notwithstanding the definitions of *residential gross floor area* and *non-residential gross floor area* in s. 2(1) of By-law 438-86, the floor area of such *parking garage* or *commercial parking garage* shall be excluded from the calculation of *residential gross floor area* and *non-residential gross floor area*;

- (11) a *loading space – type G* may be provided off-site on the adjacent lands at 345, 347 and 349 Carlaw Avenue;
 - (12) a minimum of 120 square metres of indoor *residential amenity space* shall be provided and maintained on the *lot* in a multipurpose room or rooms at least one which contains a kitchen and a washroom.
2. For the purposes of this By-law, each word or expression that is italicized shall have the same meaning as such terms have for the purposes of By-law No. 438-86, as amended except for the following:
 - (1) "*grade*" shall mean 83.5 metres Canadian Geodetic Datum; and
 - (2) Each other word or expression that is italicized shall have the same meaning as each such word or expression as defined in By-law No. 438-86, as amended.
 3. Despite any existing or future severance, partition or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division occurred.
 4. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot* as well as the buildings and structures on the *lot*.
 5. Within the lands delineated by heavy lines on Map 1 attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the *lot* line and the following provisions are complied with:
 - (1) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
 - (2) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

